

**ASSEMBLY BILL**

**No. 558**

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**Introduced by Assembly Member Portantino**

February 25, 2009

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An act to add and repeal Section 65584.9 of the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

AB 558, as introduced, Portantino. Land use planning: housing element: foster youth placement.

The Planning and Zoning Law requires a city or county general plan to include specified mandatory elements, including a housing element that identifies and analyzes existing and projected housing needs and includes a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing.

The Planning and Zoning Law requires each local government to revise its housing element in accordance with a specified schedule. The Department of Housing and Community Development, in consultation with each council of governments, is required to determine each region's existing and projected housing need at least 2 years prior to a scheduled revision. The appropriate council of governments, or for cities and counties without a council of governments, the department, is required to adopt a final regional housing need plan that allocates a share of the regional housing need to each city, county, or city and county at least one year prior to a scheduled revision.

This bill would authorize a city, until January 1, 2016, to meet not more than 10% of its existing share of the regional housing need by adoption of a program that meets certain, listed requirements, including

that the program actively promote and assist in the placement of foster youth in existing family-based households, as specified, and be approved by the council of governments that assigns the city's share of regional housing needs or, in the county absence of a council, by the department. For the 2nd and any subsequent planning period after the specified program has been adopted, the department or the council of governments, as applicable, would be prohibited from approving the program for these purposes if the program was not responsible for meeting 2.5% or more of the city's share of the regional housing need for the previous planning period. The bill would require the department or the council of governments, as applicable, to limit program approvals to the first 5 programs per region that apply and qualify for approval. The bill would require each city that has adopted a program to submit to the department or the council of governments, as applicable, 2 progress reports per planning period, on dates established by the department or the council of governments. The bill would require the reports to include the number of foster youth placements with a duration of one year or more that occurred during the reporting period, as verified by the county's program that manages foster youth placements.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. The Legislature finds and hereby declares all of
- 2 the following:
- 3 (a) The number of people across the state willing to become
- 4 foster parents declined by more than 30 percent since 2001, with
- 5 some counties experiencing even greater declines.
- 6 (b) If this decline continues, more abused and neglected children
- 7 will be placed into group homes and homes operated by foster
- 8 family agencies at a substantially higher cost to the state and
- 9 counties.
- 10 (c) Under the current system, the outcomes for youth who turn
- 11 18 years of age in foster care are often grim. Many leave the system
- 12 without family support, leaving them at high risk of becoming
- 13 victims of crime and becoming involved with the judicial system,
- 14 homelessness, and unemployment. Many fail to complete high
- 15 school and do not pursue higher education or vocational training.

1 (d) Foster youth who exit the system with permanent links to  
2 caring adults or families have a better chance for successful  
3 outcomes. When youth grow up in a family, that family is the  
4 major vehicle preparing them for the adult world. The values,  
5 skills, challenges, and opportunities that shape and define adulthood  
6 are woven into the fabric of their everyday lives. Through these  
7 lifelong connections, they discover what it means to learn, love,  
8 and live.

9 (e) To attain the goal of permanency, the state must be engaged  
10 in creating incentives that identify responsible adults and families  
11 willing to take on this task. New communities need to be tapped  
12 to improve outcomes for foster youth exiting the system. All  
13 government entities should have an opportunity to participate in  
14 this goal through state incentives.

15 (f) Cities are not directly involved in finding quality,  
16 family-based households for foster youth, but the Regional Housing  
17 Needs Assessment (RHNA) process creates many challenges in  
18 meeting the state's requirement to plan for future population  
19 growth. Especially difficult to plan are very low and low-income  
20 housing. Most cities are not actually required to zone for affordable  
21 housing. Instead, most zone at certain densities and presume these  
22 densities will allow affordable housing to be built. Because the  
23 housing element does not address the final outcome, setting the  
24 density does not guarantee affordability. In fact, property owners  
25 may ultimately decide to build luxury condominiums too expensive  
26 for low-income people.

27 (g) While most cities plan and meet their RHNA requirement  
28 to zone for affordable housing, the market decides when they are  
29 built. When they are built, critics wonder whether they truly  
30 accommodate low-income Californians and whether having an  
31 approved housing element actually made the difference.

32 (h) Since the RHNA process does not plan for the fluctuating  
33 population of foster youth in need of immediate and future housing,  
34 flexibility is needed to both plan and fulfill the state's responsibility  
35 to find quality foster parents. Zoning for future housing that may  
36 never be built pales in comparison to the immediate and ongoing  
37 needs of foster care youth seeking quality family-based  
38 environments and permanency.

39 (i) In enacting this act, it is not the intent of the Legislature that  
40 cities avoid zoning for future populations. The purpose of this act

1 is to give cities experiencing difficulty another tool to meet their  
2 RHNA requirement and involve them in the task of identifying  
3 family-based environments for foster youth.

4 SEC. 2. Section 65584.9 is added to the Government Code, to  
5 read:

6 65584.9. (a) A city may meet up to 10 percent of its existing  
7 share of the regional housing need pursuant to Section 65584 by  
8 adoption of a program that meets all of the following:

9 (1) Actively promotes placement of foster youth in existing  
10 family-based households through advertisement and city-based  
11 incentives.

12 (2) Provides a process for coordinating city and county  
13 assistance to help interested persons by providing information and  
14 documents necessary to meet the responsibility of caring for foster  
15 youth.

16 (3) Serves as a resource to assist interested persons in accessing  
17 existing services that support the placement of foster youth in  
18 existing family-based households.

19 (4) Provides a plan to measure the success of the program, in  
20 coordination with the county's current system of data outcomes.

21 (5) Is approved by the council of governments that assigns the  
22 city's share of regional housing need or by the Department of  
23 Housing and Community Development if there is no council of  
24 governments.

25 (b) For the second and any subsequent planning period after the  
26 program described in subdivision (a) has been adopted, the  
27 Department of Housing and Community Development or the  
28 council of governments, as applicable, shall not approve the  
29 program for the purposes of paragraph (5) of subdivision (a) if the  
30 program was not responsible for meeting 2.5 percent or more of  
31 the city's share of the regional housing need pursuant to Section  
32 65584 for the previous planning period.

33 (c) The Department of Housing and Community Development  
34 or the council of governments, as applicable, shall limit approvals  
35 under paragraph (5) of subdivision (a) to the first five programs  
36 per region that apply and qualify for approval.

37 (d) Each city that has adopted a program under this section shall  
38 submit to the Department of Housing and Community Development  
39 or the council of governments, as applicable, two progress reports  
40 per planning period, on dates established by the department or the

1 council of governments, as the case may be. The reports shall  
2 include, but are not limited to, the number of foster youth  
3 placements with a duration of one year or more that occurred during  
4 the reporting period as verified by the county's program that  
5 manages foster youth placements.

6 (e) This section shall remain in effect only until January 1, 2016,  
7 and as of that date is repealed, unless a later enacted statute, that  
8 is enacted before January 1, 2016, deletes or extends that date.

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